

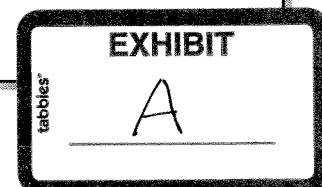
IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

W. A. DREW EDMONDSON, in his)
capacity as ATTORNEY GENERAL)
OF THE STATE OF OKLAHOMA and)
OKLAHOMA SECRETARY OF THE)
ENVIRONMENT C. MILES TOLBERT,)
in his capacity as the)
TRUSTEE FOR NATURAL RESOURCES)
FOR THE STATE OF OKLAHOMA,)
Plaintiff,)
vs.) 4:05-CV-00329-TCK-SAJ
TYSON FOODS, INC., et al,)
Defendants.)

THE VIDEOTAPED 30 (b) (6)

DEPOSITION OF STEVEN PATRICK, produced as a
witness on behalf of the Plaintiff in the above
styled and numbered cause, taken on the 21st day of
August, 2007, in the City of Fayetteville, County of
Washington, State of Arkansas, before me, Lisa A.
Steinmeyer, a Certified Shorthand Reporter, duly
certified under and by virtue of the laws of the
State of Oklahoma.

TULSA FREELANCE REPORTERS
918-587-2878



1 A I do not know all the specifics of that but I
2 believe that is individuals looking at some of the
3 options of using and alternative uses of poultry
4 litter but I'm not -- I have not done a lot of
5 research on the poultry consortium.

01:54PM

6 Q Are you familiar with something called the
7 poultry water quality handbook?

8 A Not off the top of my head.

9 Q You don't know what it is?

10 A I'm not saying I don't know what it is. I
11 would need to look at the document to recollect my
12 memory.

01:55PM

13 Q I hand you Exhibit 25.

14 MR. GEORGE: David, I don't recognize the
15 Bates number. Can you tell us the source?

01:55PM

16 MR. RIGGS: I think it was from a grower, a
17 Mr. Pigeon.

18 MR. GEORGE: I'm sorry, I don't mean to
19 interrupt. You recognize he's not a grower for
20 Tyson?

01:55PM

21 MR. RIGGS: Right.

22 MR. BOND: Actually he's a grower for more
23 than one integrator.

24 MR. GEORGE: Right. This is not a document
25 we produced. That's what I wanted to confirm.

01:55PM

1 MR. BOND: I can confirm that.

2 Q Have you ever seen Exhibit 25 before?

3 A I don't recall seeing this document.

4 Q Would you turn to page -- it's the fourth page

5 of the exhibit but it's Bates stamped at the bottom, 01:56PM

6 it says Pigeon 0495. Do you see the second

7 paragraph where it says, other major contributors

8 who have given their time and knowledge to help

9 organize and write this handbook are the following

10 and about two-thirds of the way down it lists the 01:57PM

11 name Ellis Brunton, Tyson Foods, Inc., Springdale,

12 Arkansas; do you see that?

13 A Yes.

14 Q Who is Ellis Brunton?

15 A He is an individual who used to work for Tyson 01:57PM

16 and he retired.

17 Q Do you know what his job was when he worked

18 for Tyson?

19 A I do not know the specific title but I

20 believe -- thought -- I believe, I need to verify, 01:57PM

21 but I believe he worked on the -- I'm going to

22 say -- I don't want to speculate. I believe I know

23 but I'm not exactly sure, so I'd rather not --

24 Q Was he working for Tyson when you joined

25 Tyson? 01:57PM

1 A Yes.

2 Q Do you know how long he worked for Tyson?

3 A I do not know the exact time. I know he
4 retired from Tyson and had been here for a while.

5 Other than that, I don't know the exact time. 01:58PM

6 Q You've never discussed the poultry water
7 quality handbook with him?

8 A No.

9 Q Do you know if Tyson made this handbook
10 available to its growers? 01:58PM

11 A No, I do not know that.

12 Q Was Mr. Brunton employed in the environmental
13 division of Tyson?

14 A Not that I'm aware of, no. He was not when I
15 was with the company but I don't believe he was ever 01:58PM
16 part of the environmental team. I think he was part
17 of the QA team.

18 Q Have you had a discussion with anybody in the
19 company regarding the poultry water quality
20 handbook? 01:58PM

21 A No.

22 Q Would you look at Page 514 of this document?

23 It's Pigeon 0514 at the bottom. Do you see the
24 heading at the very top of that page that says
25 poultry waste management? 01:59PM

1 MR. GEORGE: The paragraph that you --

2 MR. RIGGS: It starts desirable and
3 undesirable microorganisms live in our environment.
4 Animal waste is a potential source of some 150
5 disease-causing organisms or pathogens.

03:02PM

6 MR. GEORGE: Same objection, same
7 instruction.

8 A I would want to read the entire document.

9 Q Okay. Let me hand you -- maybe you have it.
10 It's Exhibit 25A.

03:03PM

11 MR. GEORGE: I don't think we've seen it,
12 David.

13 MR. RIGGS: Don't have it?

14 MR. GEORGE: No.

15 MR. RIGGS: One on top is the one marked.

03:04PM

16 Q This is I'll represent to you another edition
17 of the poultry water quality handbook that was
18 produced by Mr. Pigeon who was a grower at one time
19 for Peterson Farms, and it was, I understand,
20 distributed to Peterson growers. Let me ask you if
21 this handbook or this edition of the handbook was
22 distributed to any Tyson growers?

03:04PM

23 MR. McDANIEL: Object to the form,
24 misleading.

25 MR. GEORGE: Answer if you can.

03:05PM

1 A I said I'm not aware of it being distributed.

2 Q Do you know if you've ever seen this version
3 or this edition of the water quality handbook?

4 A I have not seen this version.

5 Q Let me ask you to turn to Page 624, the 03:05PM
6 left-hand column. The very bottom of that column
7 are the words in the poultry industry, for example,
8 components of manure, dead birds and wastewater
9 include nutrients that may be released to water
10 through direct discharge, excessive runoff from the 03:06PM
11 land or leaching through the soil. Do you know what
12 is meant by the term runoff in that statement?

13 MR. GEORGE: Hang on. Lack of foundation.
14 The witness testified he's never seen this document
15 that was produced by another company. Your question 03:06PM
16 was regarding the poultry industry and Mr. Patrick
17 is not here to testify on behalf of poultry
18 industry. So given there's no foundation, I don't
19 intend to have this witness answer questions about a
20 document he's never seen. 03:06PM

21 Q Do you know what the term runoff means used in
22 that statement?

23 MR. GEORGE: Objection, calls for
24 speculation.

25 A I haven't seen the document. I would like to 03:06PM